## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Kladders, H. et al ) Art Unit: U.S. Appln. No. : To Be Accorded ) Examiner: Confirmation No. : To Be Accorded U.S. Filing Date : 01/14/2004 Title of Invention : Capsule For Taking An Active Substance Which Attny. Docket No.: 1/1449	Can Be Inhaled
Mail Stop Patent Application Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450	
January 14, 2004	
TRANSMITTAL LETTER FOR INFORMATION DISCLOS	URE STATEMENT
Sir:	
Transmitted herewith concerning the subject application is an Information Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, togethe US patents and publications, as more specifically described hereinbel	r with copies of all non-
1.97(b). This Statement is being filed: i) within three (3 date of a national application other than a continued prosecution appl §1.53 (d); ii) within three (3) months of the date of entry of the nation 37 C.F.R. §1.491 in an international application; iii) before the mailing on the merits; or iv) before the mailing of a first Office action after the continued examination under 37 C.F.R. §1.114.	ication under 33 C.F.R. nal stage as set forth in ng of a first Office action
1.97(c). This Statement is being filed after the time per C.F.R. §1.97(b), but before the mailing date of: i) a final action under notice of allowance under 37 C.F.R. §1.311, or iii) an action that other prosecution in the application. This Statement is being accompanied	r 37 C.F.R. §1.113, ii) a erwise closes
A statement as specified in 37 C.F.R. §1.97(e) [see be	elow]; or
The fee set forth in 37 C.F.R. §1.17(p).	

	The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
 §1.97(c) t	97(d). This Statement is being filed after the period specified in 37 C.F.R. but on or before payment of the issue fee. This Statement is accompanied by a as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R.
1.	97(e).
cc	Each item of information contained in the instant information disclosure atement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or
fo m in C	No item of information contained in the instant information disclosure attement was cited in a communication from a foreign patent office in a counterpart oreign application, and, to the knowledge of the person signing this certification after taking reasonable inquiry, no item of information contained in the instant aformation disclosure statement was known to any individual designated in 37 in F.F.R. §1.56(c) more than three (3) months prior to the filing of the instant aformation disclosure statement.
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disclosur counterpain section	.704(d). Each item of information contained in the accompanying information restatement was cited in a communication from a foreign patent office in a art application, which communication was not received by any individual designated in 1.56(c) more than thirty (30) days prior to the filing of the accompanying ion disclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,

Michael P. Mones

Michael P. Morris

Attorney for Applicant(s)

Reg. No. 34,513

Patent Department Boehringer Ingelheim Corp. 900 Ridgebury Road, P.O. Box 368 Ridgefield, CT 06877

Tel: (203) 798-5285 Date: January 14, 2004 Approved for use through 07/31/2006. OMB 0651-0031
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Su	bstitute for form 1449A/FTO			Application Number	To Be Assigned			
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STATEMENT BY APPLICANT				First Named Inventor	Heinrich KLADDERS			
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	(Use as many sheets	as necessary	)	Examiner Name				
 Sheet	1	of	2	Attorney Docket Number	1/1449			

			U.S. PATENT D	OCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (f known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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		FOREIGN	PATENT DOCU	JMENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> 'Number <sup>4</sup> 'Kind Code <sup>5</sup> (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		DE 33 45 722 A1	06/27/1985	BIKG		
	İ	EP 1 100 474 B1	07/17/2002	BI Pharma KG		
•••••••	<b>†</b>	EP 0 911 047 A1	04/28/1999	BI Pharma KG		L
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Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Abstract for DE 3345722: WPIDS 1985-160068	
		Abstract for EP 1100474: CA 132:141964	
		Abstract for EP 911047: WPIDS 1995-014986	
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